

# **SUMMARY**

## **City of Carrollton Mayor and Council Meeting**

**June 18, 2008**  
**6:00 p.m.**

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**Public Safety Complex, Court/Council Chambers, 115 West Center Street, Carrollton, Georgia**

### **I. CALL TO ORDER**

The Mayor and City Council met in regular session on Wednesday, June 18, 2008 at 6:00 p.m. in the Public Safety Annex Building, 115 West Center Street, Carrollton, Georgia. Mayor Wayne Garner called the meeting to order at 6:00 p.m. Members present: Mayor Wayne Garner, Councilmember Peter Balega, Councilmember Gerald Byrd, and Councilmember Mandy Maierhofer and Councilmember Rusty Gray.

**At this time Mayor Garner explained the meeting procedures and advised those in attendance that Items 3 & 4 had been withdrawn at the request of the petitioners (Dave Schmidt and William Seaton).**

### **II. INVOCATION**

Councilmember Byrd offered the invocation.

### **III. CITIZEN COMMENTS**

Mr. Don Baker, 111 Brandywine Trail inquired to the next step for the Parcel M development (Agenda Item 3) since the petitioner had withdrawn. Mayor Garner stated that the developer was aware of the concerns of the neighbors and withdrew because of the concerns that had been raised. Mayor Garner reported that the developer could proceed with plans as approved by the Mayor and Council initially. Mr. Baker inquired about the initial plans submitted for Parcel M. Planning and Zoning Administrator Charles Griffin reported that Parcel M had been approved for 80 detached cottage style homes that were approved by the Mayor and Council previously.

Ms. Green, area resident, inquired to the property across the street from the proposed development and cited traffic concerns. Mayor Garner noted that the developer could proceed with plans as approved by the Mayor and Council initially. Mayor Garner pointed out that due to economic conditions the project was moving slower than anticipated.

Tom Disinger, 113 Stonewall Drive reported his property was adjacent to the development and he was experiencing runoff issues that were not getting resolved. Mr. Disinger pointed out that the development as approved was to have fencing and a berm to property adjacent to the development. Mr. Disinger reported that neither had been put into place. Mr. Disinger stated that City officials had been very helpful in trying to address the runoff issues, but problems were still occurring because of the additional water runoff. Mr. Disinger reported he had contacted the Georgia Environmental Protection Division (EPD) to assist and they had advised him to report the issue to the City; and the City would ask for EPD's assistance. Following a brief discussion, Mayor Garner stated that the Assistant City Manager had the authority to address the issue and contact EPD if he deemed it necessary. Assistant City Manager Tim Grizzard was in attendance and requested Mr. Disinger contact him within the next couple of days to arrange a meeting to discuss filing a complaint with the EPD.

Councilmember Balega inquired to reports he was hearing from the community about a Food Lion Grocery store being built on the designated recreation and greenspace area of the development. Councilmember Balega requested staff to insure that the development was developed as presented and approved initially. PZA Griffin reported he would investigate the matter.

Mr. Fred O'Neal inquired as to the City's procedure in purchasing fuel due to increased costs. City Manager Coleman advised that the City delivers its fuel via a fuel depot. Mr. O'Neal then inquired as to if the City was adding surcharges for fines, etc. to offset the rising costs of fuel. City Manager Coleman advised that the City does not add a surcharge for fines, etc. and that the City does not anticipate a decrease in City services.

### **IV. MINUTES (May 5, 2008)**

**Motion by Councilmember Gray, seconded by Councilmember Maierhofer to approve the Minutes of the May 5, 2008 meeting of the Mayor and Council. Motion passed 5 – 0.**

## **AGENDA AMENDMENT: FEMA RESOLUTION**

At this time Mayor Garner announced an amendment to the Agenda to consider a Resolution from the Federal Emergency Management Agency (FEMA) requiring that the Mayor and Council designate an applicant's agent for completion of the application to apply for certain Federal assistance under the Disaster Relief Act . **Motion by Councilmember Gray, seconded by Councilmember Byrd to amend the Agenda and adopt the FEMA Resolution appointing Fire Lieutenant Tracy Smith as the application agent for Federal assistance under the Disaster Relief Act. Motion passed (5-0)**

## **V. ITEMS OF DISCUSSION**

### **1. Resolution 07-2008: Charles Henry "Chick" Almon Parkway**

The Mayor and Council approved **Resolution 07-2008** to honorarily rename Bankhead Highway from the intersection of Cedar Street/Bankhead Highway proceeding west on Bankhead Highway to the intersection of Newnan Road and Newnan Street and continuing west on Newnan Street to the intersection of Newnan Street and Bradley Street to: ***Charles Henry "Chick" Almon Parkway*** in honor of the Late Charles Henry "Chick " Almon

### **2. Resolution 12-2008: Catherine Hardy-Lavender Athletic Complex**

The Mayor and Council approved **Resolution 12-2008** to honorarily rename the West Carrollton Recreation Center to the Catherine Hardy-Lavender Recreation Complex in honor of Olympic Gold Medalist Catherine Hardy-Lavender who is a native of Carrollton.

### **3. Zoning Rescindment: To allow apartments on Parcel M**

**Property Location: Parcel M, Maple Street Commons**

**Petitioner: Dave Schmit**

**(Supporting documents attached separately)**

**Agenda Item withdrawn as requested by the petitioner.**

### **4. Annexation and Rezoning Request: Rezone from (County) to**

**ER (Estate Residential)**

**Property Location: Martin Cemetery Road**

**Petitioner: William Seaton**

**(Supporting documents attached separately)**

**Agenda Item withdrawn as requested by the petitioner.**

### **5. Rezoning Request: Rezone from R-M (Residential) to R-0-I (Residential Office-Institutional)**

**Property Location: 323 College Street**

**Petitioner: Mike Patterson**

**(Supporting documents attached separately)**

A public hearing was held to receive citizen input on a request from petitioner Mike Patterson to rezone property located at 323 College Street from R-M (Residential) to R-0-I (Residential Office-Institutional). PZA Griffin advised that The Planning Commission made a motion to **recommend approval** of the request to rezone the 0.14 acre tract from R-M (Residential Multi-Family) to R-O-I (Residential Office-Institutional) for the purpose of facilitating a real estate office for the petitioner. Those speaking in favor: Mike Patterson. Those speaking opposed: None.

**Motion by Councilmember Gray, seconded by Councilmember Byrd to approve Rezoning Request as presented. Motion passed 5 – 0.**

### **6. Rezoning Request: Rezone from R-20 (Single Family Residential) to R-M (Residential Multi-Family)**

**Property Location: 904 Rome Street**

**Petitioner: Joseph Kelly**

A public hearing was held to receive citizen input on a request from petitioner Joseph Kelly to rezone property located at 904 Rome Street (0.22 acres) from R-20 (Single Family Residential) to R-M (Residential Multi-Family). PZA Griffin reported that the Planning Commission had recommended denial of the request. PZA Griffin stated that the majority of surrounding properties are residential; however, a windshield survey of the surrounding uses and structures indicates several properties adjacent and in the vicinity of this request are currently being operated as non-conforming multi-family uses (duplexes). At this time Mayor Garner opened the public hearing to receive citizen input.

Those speaking in favor: Petitioner Joseph Kelley stated he had purchased the property and intended to renovate the existing triplex. Mr. Kelley stated he wanted to rezone the property to R-M Single Family Residential to comply with the zoning laws. Mr. Kelley shared photographs of the triplex; stating that the property had been utilized as a triplex for the last 30 years. Mr. Kelley also shared photographs of properties in close proximity that were multi-family yet zoned R-20 Single Family Residential.

Those speaking opposed: Mr. Reuben Word, 805 Rome Street stated that several houses on Rome Street were grandfathered in (as Single Family Residential, but utilized as Multi-Family) and when the property was purchased and exchanged hands, the new owners lost the grandfather condition. Mr. Word also stated he was not aware that the property had been utilized as a triplex. Jane McCandless, 817 Rome Street stated that several property owners in the surrounding 2 (two) blocks had renovated their single family dwellings for many years and spent many thousands of dollars and did not want to see their property devalued by more rental housing. Mr. Mike Dodson, 905 Rome Street reported that the home had not been used as a triplex since the Carroll family had sold the property 30 years ago. Following a brief discussion, ***motion by Councilmember Gray, seconded by Councilmember Maierhofer to accept the Planning Commission recommendation and deny the request to rezone 904 Rome Street from R-20 (Single Family Residential) to R-M (Residential Multi-Family). Motion passed (4-1). Those voting in favor of denial: Councilmembers Balega, Byrd, Gray and Maierhofer. Those voting opposed: Mayor Garner.***

**7. Rezoning Request: Rezone from R-10 (Single Family Residential) to C-2 (General Commercial)**  
**Property Location: Esco Way**  
**Petitioner: James Messer**

A public hearing was held to receive citizen input on a request from petitioner James Messer to rezone property located on Esco Way 82.26 acre tract from R-10 (Single Family Residential) to C-2 (General Commercial). PZA Griffin reported that the Planning Commission had recommended approval of the request with the following conditions: 1. The owner/developer shall provide a minimum six-foot (6') green, chain-link fence along the northern side of the property to act as a buffer shield between the existing adjoining subdivision and neighboring properties. Said fence to be located within the inside of the required planted buffer. 2. In addition, the owner/developer shall provide a minimum 30-foot planted buffer between the fence and the subject property.

At this time Mayor Garner opened the public hearing to receive citizen input. Those speaking in favor: Petitioner James Messer request. Messer stated that he wished to rezone the property to C-2 (General Commercial) for the development of a 36-lot commercial subdivision. Messer stated that 34 acres, located just south of the subject tract, were already zoned commercial.

Those speaking opposed: Shiloh Baptist Church Pastor Calvin Brazil stated that he and his church opposed the rezoning and thought that the property was to be developed as a subdivision for \$250,000 homes. Pastor Brazil stated that his congregation was concerned about the uses permitted within a C-2 General Commercial zoning designation and the traffic that could be generated by commercial type establishments. Shiloh Church Member Samuel Roberts inquired to why the church had not been notified of the first meeting regarding the rezoning. Mr. Roberts also expressed concerns over additional traffic and uses that would be permitted if rezoned. PZA Griffin stated that all surrounding properties had been mailed notices as required by law for the Planning Commission Meeting and the Mayor and Council Meeting. At this time PZA Griffin stated that any use approved in the C-2 (General Commercial) zoning district could be located within the proposed commercial subdivision. PZA Griffin provided various examples, including gas stations and retail stores. Mr. Dennis Taylor, resident of adjacent property on Castlegate Circle stated that developers had dug a 30 (thirty) to 35 (thirty-five) deep pit on the property very close to his property. Mr. Taylor reported children on 4-wheelers and bikes had been entering the property and playing around and in the pit. Mr. Taylor stated that there was not a fence or device to keep children and others away from the dangerous area. The Mayor and Council openly discussed with the petitioner and those opposing the rezoning. Following a lengthy discussion Mayor Garner tabled the matter until a future meeting and requested the developer meet with Shiloh Baptist Church members to discuss his plans for development if property is zoned C-2 General Commercial.

***Motion by Councilmember Byrd, seconded by Councilmember Maierhofer to table rezoning request for a future Mayor and Council Meeting. Motion passed 5 – 0.***

**8. Transfer of Urban Development Action Grants (UDAG) to Carrollton Housing Authority**

City Manager Coleman advised that due to the small amount of funds on hand and the amount of time that has passed since the inception of the UDAG program (26 years), our auditors have recommended that we transfer official custody and responsibility of said funds to the Carrollton Housing Authority.

***Motion by Councilmember Byrd, seconded by Councilmember Gray to approve transfer of Urban Development Action Grants (UDAG) to the Carrollton Housing Authority. Motion passed 5 – 0.***

**9. Public Hearing – FY 2008-2009 Budget**

A public hearing was held to receive citizen input of the FY 2008-2009 Budget. City Manager Coleman presented an overview of the proposed FY 2008-2009 Budget. There were no citizen comments.

## **VI. MAYOR AND COUNCIL ANNOUNCEMENTS**

Councilmember Balega suggested that more enforcement measures be made pertaining to Code Enforcement, etc.

## **VII. CITY MANAGER ANNOUNCEMENTS**

None

## **VII. ADJOURN**

The meeting adjourned at 8:40 p.m.